

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

vs.

NOTICE OF MOTION AND MOTION
22-CR-64

RICHARD SCHERER

Defendant.

PLEASE TAKE NOTICE, that the undersigned DOMINIC SARACENO, ESQ., attorney for the defendant, RICHARD SCHERER, based upon the following affirmation hereby moves the Court to order a competency hearing pursuant to 18 USC 4241.

AFFIRMATION

1. I am an attorney at law duly licensed to practice in the State of New York and in the Western District of New York with offices located at 534 Delaware Avenue, Buffalo, New York 14202.
2. This affirmation is offered in support of counsel's request for the Court to order a competency hearing pursuant to 18 USC 4241.
3. The defendant pled guilty on May 17, 2022, to count 1 of an Information charging him with possession of child pornography in violation of 18 USC 2256(8).
4. The defendant was taken into custody and has been incarcerated at the Niagara County Jail since May 17, 2022.
5. The defendant is in his 70's and suffers from many medical ailments.

6. Recently I met with probation at the jail to conduct a presentence investigation with Mr. Scherer.

7. Mr. Scherer's mental health appeared to have deteriorate since being incarcerated, and he did not appear able to understand the nature and consequences of the proceedings against him. Additionally, he was unable to properly assist in his defense.

8. Mr. Scherer's behavior was so bizarre that we were unable to complete the interview.

9. The defense counsel is making this motion on behalf of Richard Scherer.

10. The defendant agrees that the additional time allowed is excludable under the Speedy Trial Act.

WHEREFORE, for the reasons set forth above, defendant, RICHARD SCHERER, respectfully requests an Order from this Court requesting a competency hearing pursuant to 18 USC 4241.

s/ Dominic Saraceno, Esq.

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CERTIFICATE OF SERVICE

22-CR-64

I hereby certify that on September 2, 2022, I electronically filed the foregoing with the Clerk of the District Court using its CM/ECF system, which would then electronically notify the following EM/EF Participant on this case:

AARON MANGO, AUSA
138 Delaware Avenue
Buffalo, New York 14202

s/Dominic Saraceno

DOMINIC SARACENO